



# **FREDERICK COUNTY PLANNING COMMISSION**

## **April 10, 2013**

---

**TITLE:** **Newport Ridge Combined Preliminary/Final Site Plan**

**FILE NUMBER:** **S-861 (SP 89-13) AP 13345 APFO 13258 FRO 13259**

**REQUEST:** **Preliminary/Final Site Plan Approval**  
The Applicant is requesting Preliminary/Final Site Plan and Adequate Public Facilities approval for 38 single family attached dwellings, on a 7.6-acre site.

### **PROJECT INFORMATION:**

**ADDRESS/LOCATION:** Located the terminus of Newport Drive East and West, south of Spring Ridge Parkway.

**TAX MAP/PARCEL:** 78/110 & 708  
**COMP. PLAN:** Low Density Residential  
**ZONING:** Planned Unit Development  
**PLANNING REGION:** New Market  
**WATER/SEWER:** W-4/S-4

### **APPLICANT/REPRESENTATIVES:**

**APPLICANT:** Spring Investments, LLC  
**OWNER:** Spring Investments, LLC  
**ENGINEER:** Rodgers Consulting  
**ARCHITECT:**  
**ATTORNEY:**

**STAFF:** Tolson DeSa, Principal Planner II

### **RECOMMENDATION:**

Conditional Approval

### **ATTACHMENTS:**

Exhibit 1- Site Plan Rendering  
Exhibit 2- Newport Ridge APFO Letter of Understanding  
Exhibit 3- Parking Space Modification Statement  
Exhibit 4- Lighting Modification Statement  
Exhibit 5- Landscaping Modification Statement

## ISSUE



## BACKGROUND

### Development History

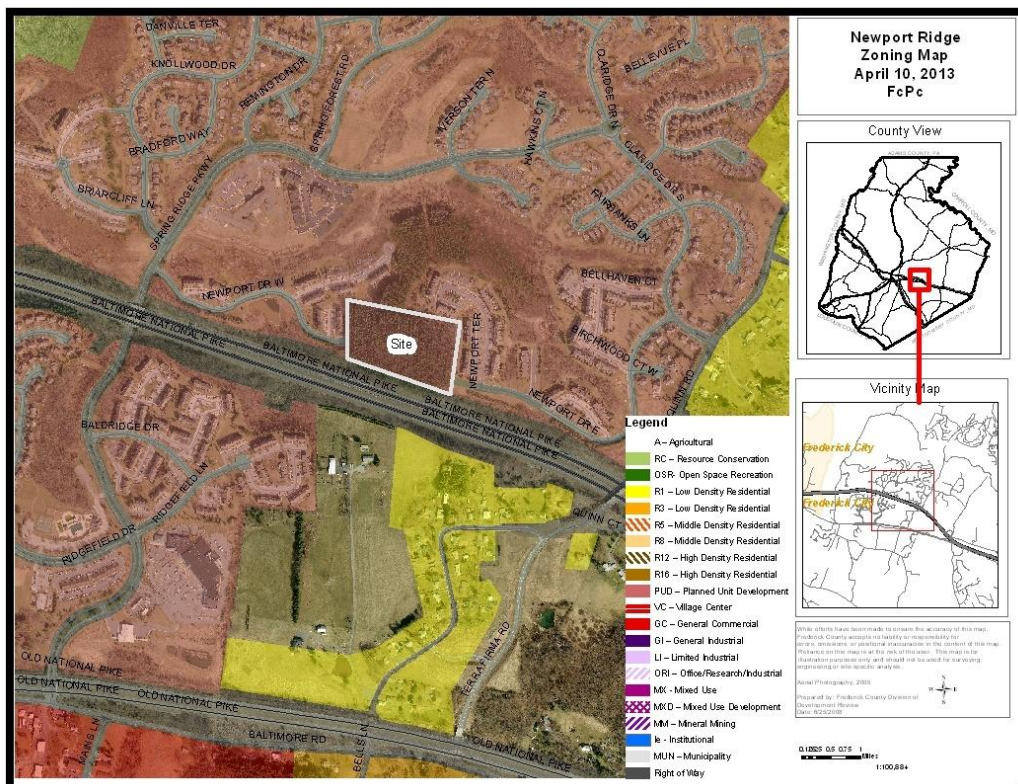
This site was rezoned to Planned Unit Development as part of rezoning case R-03-04 in September of 2006. As part of that review and approval the following items were listed as conditions of approval per Ordinance 06-29-425;

1. The Applicant shall design the project, to the maximum extent possible, in conformance with the County's Community Design Guidelines and Development Principles.
2. The Applicant shall narrow the cul-de-sac bulb at Newport Drive West to County standards to become a through road, with sidewalks, to connect with Newport Drive East. The Applicant shall maintain natural vegetation between I-70 and Newport Drive, extended, to provide an aesthetic and acoustic buffer.
3. The Applicant shall coordinate with Frederick County staff, prior to submission of a Phase II plan, to consider lot design options which will minimize forest fragmentation and provide the best forest connectivity with the two adjacent open space parcels to the north.
4. The Applicant shall provide access through the site to the "tot lot" and the temporary access road located to the north of the site.
5. The Applicant shall clarify the incorporation of Moderately Priced Dwelling Units (MPDU's) into the project at the time of Phase II submission and shall supply plans for incorporating this development into the Spring Ridge Homeowners Association.

### Existing Site Characteristics

The site is currently zoned PUD, and is a vacant wooded parcel that slopes significantly downgrade from east to west. The surrounding property to the north, east, and west of the site is developed with the Spring Ridge PUD. Interstate 70 runs along the southern border of the site. See Graphic #2 below.

Graphic #2 Zoning Map



# **ANALYSIS**

## **Summary of Development Standards Findings and Conclusions**

The primary issue associated with this project was the overall design and proposed road connectivity between the existing Newport Drive East and Newport Drive West. The long-planned connection of this roadway provides an additional interconnectivity within Spring Ridge. Staff worked with the Applicant in order to reduce the width of the proposed roadway as well as install a speed calming roundabout within the existing cul-de-sac in Newport Drive West. It could be argued that the portions of the existing roadway are somewhat overdesigned with pavement widths of nearly 30'. The 22' travel lanes proposed and encouraged by staff through this section will provide multiple benefits in: acting as a calming device; reducing the amount of imperviousness; and lastly limit the disturbance to the forested area particularly between the roadway and I-70 right-of-way. The decision to pursue a small roundabout within the existing dead-end cul-de-sac (which could double as a landscaped entrance feature) is in keeping with the original zoning condition to narrow the existing dead-end cul-de-sac.

## **Detailed Analysis of Findings and Conclusions**

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

**Site Development §1-19-3.300.4 (A):** *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

## **Findings/Conclusions**

- 1. Dimensional Requirements/Bulk Standards §1-19-10.500.6(H).2:** The proposed setbacks (as detailed on sheet 4 of 10) include the following; 20-foot front yard, 5-foot side yard, 10-foot rear yard, with a maximum height of 45 feet. The front loaded garage townhomes will also have a minimum of 23 feet from the face of garage to the edge of the 5 foot sidewalk. The proposed setbacks are developed in accordance with the standards listed in Zoning Ordinance Section 1-19-10.500.6 (H) 2.
- 2. Signage §1-19-6.300:** The Applicant is not proposing any additional signage.
- 3. Landscaping §1-19-6.400:** The Applicant has provided a landscaping plan in accordance with Zoning Ordinance Section 1-19-6.400. The plan proposes a mix of evergreens and deciduous trees. The Applicant increased several evergreen tree buffers between the townhomes and the proposed Newport Drive extended. Street trees are also proposed to run along both sides of Newport Drive extended as well as across the eastern and western property lines in order to provide transitional landscaping into the existing neighborhoods. The overall site will be enhanced with the proposed forest stand to remain between the two townhome areas, which furthers the original zoning condition.

The Applicant is requesting a landscape plan modification in accordance with Section 1-19-6.400.I in order to allow off-site trees to be located within the public right of way for the existing Newport Drive East and West. The Applicant has submitted a Landscaping Modification Statement, which is attached to this staff report as **Exhibit 5**. The proposed offsite landscaping will enhance the road connection as well as provide additional screening from the proposed units and I-70 to the south. Staff worked with the applicant on the landscape plan in an effort to

increase landscaping in certain areas to aid in noise attenuation and enhance the privacy of the lots from the public street Staff fully supports the offsite landscaping and the modification request.

4. **Screening §1-19-6.400:** The Applicant has proposed a landscaping/screening plan that adheres to the rezoning condition #3, listed within the background section of this staff report.
5. **Lighting §1-19-6.500:** The Applicant has provided a Lighting Plan on Sheet 8 of 10. The Applicant is proposing 19, 12-foot tall poles.

There are two light poles that are proposed outside of the 7.6 acres of the Newport Ridge site. The purpose of the poles is to provide lighting along Newport Drive East and Newport Drive West as you approach the Newport Ridge site, and in keeping with the existing lighting along the existing roadway. The lighting plan was designed to provide minimal light spillage and impact to the existing development along Newport Ridge East and West.

The Applicant has submitted a lighting plan modification in accordance with Section 1-19-6.500.G in order to allow the placement of the proposed offsite lighting within the public right of way for the existing Newport Ridge East and West. The Applicant has submitted a Lighting Modification Statement, which is attached to this staff report as **Exhibit 4**. The proposed lighting is required by County Staff in conjunction with the necessary public road improvements to connect Newport Drive East and Newport Drive West. Staff supports this modification request.

#### **Conditions:**

1. Approval of the Landscape plan modification in accordance with Section 1-19-6.400.I in order to allow off-site trees to be located within the public right of way for the existing Newport Drive East and West.
2. Approval of the Lighting modification in accordance with Zoning Ordinance Section 1-19-6.500.G to permit minimal light spillage off of the 7.6 acre Newport Ridge site in order to provide street lighting along Newport Drive East and West approaching the Newport Ridge development.

***Transportation and Parking §1-19-3.300.4 (B):*** *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

#### **Findings/Conclusions**

1. **Access/Circulation:** Each of the two townhome land-bays will be accessed off of Newport Drive (extended) and will be designed with a looped circulation system within the land-bays from Newport Court and Newport Place, respectively.
2. **Connectivity §1-19-6.220 (F):** This plan proposes to connect two existing dead-end streets; Newport Drive East with Newport Drive West. This connection will provide residents of Newport Drive East and the surrounding streets a shorter access to the western section of Spring Ridge Parkway, it will also likely provide a shorter response time from the Spring Ridge Fires Station to existing areas of Spring Ridge. The Applicant is also providing trail and sidewalk connections throughout the site and to the tot lot located north of the proposed townhouses. This addresses condition #4 of the original zoning conditions with respect to access to the tot-lot and access road north of the site.

3. **Public Transit:** The East County Shuttle provides service in the vicinity of the development from the Transit Center to the Spring Ridge Shopping Center as well as the Spring Ridge Senior Apartments.
4. **Vehicle Parking §1-19-6.220:** The Applicant is required to provide 95 parking spaces; the Applicant is proposing 109 parking spaces, including 4 ADA accessible spaces. The Applicant has submitted a parking space modification letter for the slight parking overage of 14 spaces.

The Applicant has submitted a parking space modification statement in accordance with Section 1-19-6.220.A.3., which is attached to this staff report as **Exhibit 3**. The parking overage is to provide additional overflow/visitor parking for the subdivision. The eastern land bay proposes an additional 9 parking spaces and the western land bay proposes 5 additional parking spaces, above the required number of spaces.

From previous experience with parking shortages in similar townhouse developments, staff requested that the Applicant provide additional parking spaces during an initial design meeting, and worked the applicant to modify the design to provide the additional spaces. Therefore, staff fully supports this parking space modification.

5. **Bicycle Parking §1-19-6.220 (H):** In accordance with the Zoning Ordinance, the Applicant is proposing 4 bicycle racks.
6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The Applicant has proposed sidewalks in front of all of the proposed units as well as along the proposed Newport Drive extended. The Applicant is also proposing a sidewalk extension to the existing tot lot in accordance with the rezoning conditions of approval, as well as a natural trail (wood chip) through the forested area and to the open space parcel to the north.

#### **Conditions :**

1. Approval of the parking space modification in accordance with Section 1-19-6.220.A.3., to permit a slight parking overage of 14 spaces above the required 95.

**Public Utilities §1-19-3.300.4 (C):** *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

#### **Findings/Conclusions**

1. **Public Water and Sewer:** The site is to be served by public water and sewer and is classified W-4, S-4. The entire site is in pressure Zone #1 with water coming from New Design WTP and Sewer flowing into the Ballenger McKinney WWTP.

**Natural features §1-19-3.300.4 (D):** *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

## **Findings/Conclusions**

1. **Topography:** The site has a grade of less than 15%. The property slopes down from east to west. The design of the townhomes has taken advantage of the slope to provide a variety of walk-up and walk out units in each land-bay.
2. **Vegetation:** The entire site contains a dense stand of middle aged evergreen trees. To the extent practicable, existing forest stands will remain between the two land bays, as well as between Newport Drive and I-70
3. **Sensitive Resources:** There are no sensitive resources located on site that are affected by the development proposal.
4. **Natural Hazards:** There are no natural hazards located on site that are affected by the development proposal.

**Common Areas §1-19-3.300.4 (E):** *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

## **Findings/Conclusions**

1. **Proposed Common Area:** The Applicant is required to provide 30% or 2.2 acres for open space and common areas. The Applicant has provided 62% or 4.7 acres.
2. **Ownership:** Open space parcels shall be owned and maintained by the Homeowners Association and the proposed development will be incorporated into the existing Spring Ridge Homeowner Association. This fulfills the rezoning requirement #5 as stated in R-03-04 as shown on Sheet 1 of 10 of the Preliminary/Final Site Plan.

## **Other Applicable Regulations**

**Moderately Priced Dwelling Units – Chapter §1-6A:** The Applicant is not proposing to build any MPDU's as part of this development proposal. The applicant is proposing to provide the fee-in-lieu payment to satisfy the MPDU requirement per section 1-6A-1 of the Frederick County Code. In accordance with the code the minimum MPDU requirement is based on the calculation of 12.5% of the total proposed density on site (38). Therefore, the Applicant is required to pay the fee-in-lieu requirement for 5 units.

**Stormwater Management – Chapter §1-15.2:** All stormwater management (SWM) is in compliance with the 2007 Maryland SWM Act.

**Subdivision Regulations – Chapter §1-16:** This application meets the requirements of the subdivision regulations in Chapter §1-16.

### **1. Article I: In General - § 1-16-12 Public Facilities**

- All proposed lots will access publicly maintained roads with continuously paved surfaces of 20 feet in width.
- The property is classified W4/S4 on the Frederick County Water and Sewerage Master Plan indicating improvements to, or construction of, publicly-owned community sewerage or water systems are planned within a 4 to 6 year time period. After a S-4/W-4 classification has been granted, an application may be submitted to the Maryland Department of the Environment for Water and/or Sewerage construction permits, as applicable.

2. Article IV: Required Improvements - §1-16-109 Street, Common Driveway, and Sidewalk Construction:
- Required minimum width for sidewalks is 4 feet. All sidewalks provided are a minimum of 4 feet wide along Newport Drive (extended) with 7 feet wide in front of Lot 1-7, 18-24, with 5 foot sidewalk throughout the remainder of the site.
  - A 5 feet wide natural trail is provided within the development to connect with the existing tot lot to the north of the site.
  - Sidewalks are provided on the north side of all closed section roads as well as throughout the interior within the development.
3. Article VI: Design Standards and Requirements
- § 1-16-217. Land Requirements:
- The designated land use in the Comprehensive Plan for the site of the PUD is Low Density Residential. This designation is intended to be applied only within Community Growth Areas and indicates a residential density range of 3 to 6 dwellings per acre on public water and sewer. The proposed subdivision is within a Community Growth Area and is for a residential development on public water and sewer with a gross density range of approximately 3 dwelling units per acre.
  - The existing topography is the basis for the overall community layout, with the higher elevations delineated as areas of development, and the lower elevation areas delineated as undeveloped areas to be maintained in a more natural state.
- § 1-16-218. Block Shape:
- No block dimension is greater than 1800 feet. Pedestrian walkways provided.
- § 1-16-219. Lot Size and Shape:
- Lot dimensions for PUD zoning were prescribed in the previous version of the ordinance, with no minimum lot size, required 20' front yard, 5' side yard, and 10' rear yard. Setbacks and height limitations for structures over 3 stories or 30' were to be determined by the Planning Commission at site plan review.
- § 1-16-235. Right-Of-Way and Paved Surface Widths:
- 46' right-of-way provided for local streets.
- In accordance with 1-16-235.D.3 *Where topographic, transitional (from one property to another) or ownership problems are anticipated to occur, it may not be desirable or possible to meet all the improvement standards of the Design Manual. The Division may approve modifications to the requirements of the Design Manual in order to accomplish the intent and purpose of these regulations, with the exception of modifications to the separation requirements which shall be granted only by the Planning Commission;* Staff has approved a modification in the right-of-way width, in order to preserve the existing forest buffer between Newport Drive (extended) and I-70 as part of the rezoning condition, as well as minimize grading to the site due to topographic constraints.
- Proposed paved surface width is adequate.
4. Driveway Entrance Spacing Policy
- Adopted by the FCPC in 2002 (amended 2004), this policy provides a system of evaluating driveway locations for public safety, to preserve rural character of roads located in rural parts of the County, and allowing tighter spacing in areas of the County designated for denser development.* Proposed driveways are all located on local residential streets, which have no spacing restrictions.



## **APFO – Chapter §1-20:**

1. **Schools.** The Project is projected to generate 5 elementary school students, 3 middle school students and 5 high school students. Based on these numbers and considering enrollment projections from pipeline development, the school adequacy test fails at the elementary school level. The Developer has chosen the option to mitigate the school inadequacy by paying the School Construction Fees under Section 1-20-62 of the APFO. This Project is eligible to utilize the School Construction Fee option per the criteria set forth in Section 1-20-62 of the APFO. **The School Construction Fees shall be paid prior to plat recordation** based on the specific fees required by Section 1-20-62(E) at the time of plat recordation, per unit type and the school level(s) to be mitigated.
2. **Water/Sewer.** The Property has a water and sewer classification of W-4 (Dev), S-4 (Dev). The Applicant acknowledges that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded and building permits will be issued. Plat recordation and building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9- 512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.
3. **Roads.** The Project will generate 17 am and 20 pm weekday peak hour trips, which is less than the requisite 50 peak hour trip threshold required for APFO testing, therefore no traffic impact analysis was performed.

The Developer is required to provide fair share contributions to existing escrow accounts per Section 1-20- 12(H). In full satisfaction of APFO requirements to fully mitigate site-generated trips, the Developer shall pay into County-held escrow accounts the following pro rata contribution: No. 3802 - Old National Pike (MD 144)/Quinn Orchard Road/I-70 EB Ramps Intersection. The estimated cost of the intersection improvement is \$ 460,446. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 2.39%. **Therefore, prior to plat recordation, the Developer hereby agrees to pay \$11,005** to the escrow account for this Road Improvement. Should this payment not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

**Period of Validity:** The APFO approval is valid for six (6) years from the date of Commission approval; therefore, the APFO approval expires on February 13, 2019.

**Forest Resource – Chapter §1-21:** The site contains 7.52 acres of existing forest, of which 6.25 acres will be cleared. The project is meeting all of the FRO requirements onsite by retaining 1.27 acres of existing forest and planting 1.41 acres of new forest. The FRO plan must be approved prior to Preliminary Plan approval. FRO mitigation (easement recordation) must be provided prior to lot recordation, grading permit application, or building permit application, whichever is applied for first.

**Historic Preservation – Chapter §1-23:** There are no historic resources located on this site.

## Summary of Agency Comments

<b>Other Agency or Ordinance Requirements</b>	<b>Comment</b>
<b>Development Review Engineering (DRE):</b>	Approved.
<b>Development Review Planning:</b>	Hold: Address all agency comments as the plan proceeds through to completion
<b>State Highway Administration (SHA):</b>	N/A
<b>Div. of Utilities and Solid Waste Mngt. (DUSWM):</b>	Conditional Approval
<b>Health Dept.</b>	Conditional Approval
<b>Office of Life Safety</b>	Approved
<b>DPDR Traffic Engineering</b>	Approved
<b>Historic Preservation</b>	N/A

## **RECOMMENDATION**

Staff has no objection to conditional approval of the Combined Preliminary/Final Site Plan and APFO. If the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission Preliminary Plan approval.

The APFO approval is valid for six (6) years from the date of Commission approval; therefore, the APFO approval expires on February 13, 2019.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds to completion.
2. Approval of the requested Parking Space modification in accordance with 1-19-6.220 of the Zoning Ordinance.
3. Approval of the requested Lighting modification in accordance with 1-19-6.500.G of the Zoning Ordinance.
4. Approval of the requested Landscape modification in accordance with 1-19-6.400 of the Zoning Ordinance.
5. The FRO plan must be approved prior to Preliminary Plan approval. FRO mitigation (easement recordation) must be provided prior to lot recordation, grading permit application, or building permit application, whichever is applied for first.

## **PLANNING COMMISSION ACTION**

### **MOTION TO APPROVE**

I move that the Planning Commission **APPROVE** the Combined Preliminary/Final Site Plan **S-861 (SP 89-13) with conditions, and modifications** as listed in the staff report **including APFO** for the proposed Newport Ridge Preliminary/Final Site Plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

**Newport Ridge Combined Preliminary/Final Site Plan**

April 10, 2013  
Page 10 of 20





**COMMUNITY DEVELOPMENT DIVISION  
FREDERICK COUNTY, MARYLAND**  
*Department of Planning and Development Review*  
30 North Market Street Frederick, Maryland 21701  
[www.co.frederick.md.us](http://www.co.frederick.md.us)

**COMMISSIONERS**

Blaine R. Young  
*President*

C. Paul Smith  
*Vice President*

Billy Shreve

David P. Gray

Kirby Delauter

**COUNTY MANAGER**

Lori L. Depies, C.P.A.

**COMMUNITY  
DEVELOPMENT  
DIVISION**

Eric B. Soter  
*Division Director*

**DEPARTMENT OF  
PERMITS AND  
INSPECTIONS**

Gary W. Hessong  
*Department Director*



TRUSTWORTHINESS • RESPECT  
RESPONSIBILITY • FAIRNESS  
COURAGE • CITIZENSHIP

**ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING**

**Newport Ridge**

*Preliminary Plat #S-861 AP #13258*

**In General:** The following Letter of Understanding ("Letter") between the Frederick County Planning Commission ("Commission") and Spring Investments, LLC ("Developer"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the approved Newport Ridge Preliminary Plan of Subdivision (the "Project"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("APFO").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 7.6 +/- acre parcel of land, which is zoned Planned Unit Development (PUD), and located on the north side of I-70, connecting the east and west segments of Newport Drive. This APFO approval will be effective for development of 38 new single family attached homes, which is shown on the preliminary plat for the above-referenced Project, which was conditionally approved by the Commission on April 11, 2013.

**Schools:** The Project is projected to generate 5 elementary school students, 3 middle school students and 5 high school students. Based on these numbers and considering enrollment projections from pipeline development, the school adequacy test fails at the elementary school level. The Developer has chosen the option to mitigate the school inadequacy by paying the School Construction Fees under Section 1-20-62 of the APFO. This Project is eligible to utilize the School Construction Fee option per the criteria set forth in Section 1-20-62 of the APFO. **The School Construction Fees shall be paid prior to plat recordation based on the specific fees required by Section 1-20-62(E) at the time of plat recordation, per unit type and the school level(s) to be mitigated.**

**Water and Sewer:** The Property has a water and sewer classification of W-4 (Dev), S-4 (Dev). While the public sewer and water facilities are currently adequate to serve the Project, the Applicant acknowledges that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded and building permits will be issued. Plat recordation and building permit issuance are subject to compliance with the Annotated Code of Maryland, Environment Article Section 9- 512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.

**Road Improvements:** The Project will generate 17 am and 20 pm weekday peak hour trips, which is less than the requisite 50 peak hour trip threshold required for APFO testing. Therefore no traffic impact analysis was performed.

The Developer is required to provide fair share contributions to existing escrow accounts per Section 1-20-12(H). In full satisfaction of APFO requirements to fully mitigate site-generated trips, the Developer shall pay into County-held escrow accounts the following pro rata contribution: No. 3802 - Old National Pike (MD 144)/Quinn Orchard Road/I-70 EB Ramps Intersection. The estimated cost of the intersection improvement is \$ 460,446. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 2.39%. **Therefore, prior to plat recordation, the Developer hereby agrees to pay \$11,005 to the escrow account for this Road Improvement.**

Should this payment not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.


**Period of Validity:** The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on April 11, 2016.

**Disclaimer:** This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

**[Signatures on next page]**



DEVELOPER: Spring Investments, LLC

By:  Manager Date: 3/17/13  
Name: RICHARD D. METZ, Manager

FREDERICK COUNTY PLANNING COMMISSION:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Dwaine E. Robbins, Chair or William G. Hall, Secretary

ATTEST:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Gary Hessong, Director, Permits & Inspections

Planner's Initials / Date \_\_\_\_\_  
County Attorney's Office Initials / Date \_\_\_\_\_  
(Approved as to legal form)

## Exhibit #3-Newport Ridge Parking Space Modification Statement



March 27, 2013

Mr. Tolson DeSa  
Community Development Division  
Frederick County  
30 N Market Street  
Frederick, MD 21701

Re: Newport Ridge  
Combined Prelim/Site Plan Application  
Parking Modification Request A/P 13259  
Rodgers Consulting Project No. 747H3

Dear Mr. DeSa:

On behalf of Spring Investments, LLC, please accept this document as a formal request of the Planning Commission to approve a modification to the Standard PUD Development Policy regarding the proposed additional fourteen (14) parking spaces above the required ninety-five (95) parking spaces located within the Newport Ridge Subdivision Combined Preliminary / Site Plan.

We base this request on the provisions of Section 1-19-10.500.9(D) of the County Zoning Ordinance, which grants the Planning Commission the authority to approve modifications to the standards applicable to Planned Development Districts (as set forth in Section 1-19-10.500.9(A) of the County Zoning Ordinance.

We respectfully request the following modification:

### 1) Parking Requirement:

- The County Zoning Ordinance, pursuant to Section 1-19.6.220(A)(1) would require proposed parking spaces provided to be limited to the number of spaces required based on an evaluation of each proposed use, and that an increase or reduction in the number of required parking spaces may be granted by the Planning Commission. The applicant respectfully requests a modification from the following general development standard set forth in Section 1-19-6.200 of the Zoning Ordinance – "Parking and Loading", to allow the proposed additional fourteen (14) parking spaces, for the purposes of overflow parking.

### Justification:

- The proposed fourteen (14) additional parking spaces, above the required number of parking spaces are to provide a minimal amount of overflow parking for the subdivision. Reviewing each land bay separately, the eastern land bay proposes +/- 9 additional parking spaces, and the western townhouse land bay proposed +/- 5 additional parking spaces, above the required number of spaces.
- The additional spaces were provided as part of the combined plan review, at the request of the Community Development Division, per their comments regarding AP 13259, dated January 2013.

Based on the justification provided and that the modification requests are consistent with the rules and regulations provided in the Frederick County Zoning Ordinance, we look forward to your review and approval.

Sincerely,  
Rodgers Consulting, Inc.



Ryan D. White  
Planner

Cc: Rich Thometz, Spring Invest.LLC  
Rand Weinberg, Miles & Stockbridge  
Noel Manalo, Miles & Stockbridge  
Mark Friis, Rodgers Consulting  
R. Frey, Rodgers Consulting  
File

n:\md-frederick\newport ridge\documents\technical\combined plan-2nd subm\modification request-lighting-parking\2013-03-26  
newport ridge - parking mod req - copy.docx

## Exhibit #4-Newport Ridge Lighting Modification Statement



March 27, 2013

Mr. Tolson DeSa  
Community Development Division  
Frederick County  
30 N Market Street  
Frederick, MD 21701

Re: Newport Ridge  
Combined Prelim/Site Plan Application  
Lighting Modification Request A/P 13259  
Rodgers Consulting Project No. 747H3

Dear Mr. DeSa:

On behalf of Spring Investments, LLC, please accept this document as a formal request of the Planning Commission to approve a modification to the Standard PUD Development Policy regarding the proposed lighting located off-site, for the required public right-of-way improvements to connect Newport Drive East and Newport Drive West.

We base this request on the provisions of Section 1-19-10.500.9(D) of the County Zoning Ordinance, which grants the Planning Commission the authority to approve modifications to the standards applicable to Planned Development Districts (as set forth in Section 1-19-10.500.9(A)(1) of the County Zoning Ordinance.

We respectfully request the following modification:

### 1) Lighting Requirement:

- The County Zoning Ordinance, pursuant to Section 1-19-6.500 would require proposed off-site lighting within the public right-of way for the proposed public right-of-way Improvements. The applicant respectfully requests a modification to the following general development standard set forth in Section 1-19-6.500(G) of the Zoning Ordinance – "Lighting", to allow the placement of the proposed lighting, off-site, within the public right-of-way, as required.

### Justification:

- The proposed off-site lighting is required by County Staff in conjunction with the necessary public roadway improvements to connect to existing Newport Drive within the existing public right-of-way, as part of the Combined Preliminary / Site Plan improvements.
- The proposed off-site lighting placement will be located within the existing, and/or proposed public right-of-way.
- The placement of the proposed lighting has taken into consideration the adjacent existing and proposed townhouse dwellings, by locating them to the opposite side of newly proposed Newport Ridge roadway connection to limit any potential light spillage onto the properties.

Based on the justification provided and that the modification requests are consistent with the rules and regulations provided in the Frederick County Zoning Ordinance, we look forward to your review and approval.

Sincerely,  
Rodgers Consulting, Inc.



Ryan D. White  
Planner

Cc: Rich Thometz, Spring Invest.LLC  
Rand Weinberg, Miles & Stockbridge  
Noel Manalo, Miles & Stockbridge  
Mark Friis, Rodgers Consulting  
R. Frey, Rodgers Consulting  
File

n:\md-frederick\newport ridge\documents\technical\combined plan-2nd subm\modification request-lighting-parking\2013-03-26  
newport ridge - lighting mod req.docx



## Exhibit #5-Newport Ridge Landscape Modification Statement



March 27, 2013

Mr. Tolson DeSa  
Community Development Division  
Frederick County  
30 N Market Street  
Frederick, MD 21701

Re: Newport Ridge  
Combined Prelim/Site Plan Application  
Landscape Modification Request A/P 13259  
Rodgers Consulting Project No. 747H3

Dear Mr. DeSa:

On behalf of Spring Investments, LLC, please accept this document as a formal request of the Planning Commission to approve a modification to the Standard PUD Development Policy regarding the proposed landscape street trees located off-site, for the required public right-of-way improvements to connect Newport Drive East and Newport Drive West.

We base this request on the provisions of Section 1-19-10.500.9(D) of the County Zoning Ordinance, which grants the Planning Commission the authority to approve modifications to the standards applicable to Planned Development Districts (as set forth in Section 1-19-10.500.9(A)(1) of the County Zoning Ordinance.

We respectfully request the following modification:

### 1) Landscape Requirement:

- The County Zoning Ordinance, pursuant to Section 1-19-6.400 would require proposed street trees along the property line adjacent to the paved surface of an existing or proposed public right-of-way. The applicant respectfully requests a modification from the following general development standard set forth in Section 1-19-6.400 of the Zoning Ordinance – "Landscape and Screening", to allow the placement of the proposed street trees, off-site, within the public right-of-way, as required, in accordance with this section.

### Justification:

- The proposed off-site street trees located to the north side of Newport Drive are situated within the +/- 7 ft. lawn panel, between the face of curb and proposed 4 ft. sidewalk within the public right-of-way, and are in accordance with section 1-19-6.400.
- The proposed off-site street trees located to the south side of Newport Drive are located within the +/- 9 ft. lawn panel, between the roadway curb and gutter and proposed right-of-way line. The placement of street trees varies slightly, to accommodate the proposed water and sewer easements that prohibit any street trees within said easement.
- The ability to implement the proposed street trees will ultimately enhance the character of the roadway connection and provide additional screening from the proposed dwelling units to existing

Interstate 70. The proposed modified 46 ft. right-of-way local access, closed section roadway provided has adequate lawn panel space, to provide the proposed streets.

Based on the justification provided and that the modification requests are consistent with the rules and regulations provided in the Frederick County Zoning Ordinance, we look forward to your review and approval.

Sincerely,  
Rodgers Consulting, Inc.



Ryan D. White  
Planner

Cc: Rich Thometz, Spring Invest.LLC  
Rand Weinberg, Miles & Stockbridge  
Noel Manalo, Miles & Stockbridge  
Mark Friis, Rodgers Consulting  
R. Frey, Rodgers Consulting  
File

n:\md-frederick\newport ridge\documents\technical\combined plan-2nd subm\modification request-lighting-parking\2013-03-26  
newport ridge - landscape mod req.docx